

Honorable Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN COSTELLO,

Defendant.

NO. CR22-160 RSM

PROTECTIVE ORDER

This matter, having come to the Court's attention on the motion of the parties for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material.

Any material designated by the Government as Protected Material shall be subject to the terms of this Order.

The United States will make available copies of the Protected Material, including those filed under seal, to defense counsel to comply with the government's discovery

1 obligations. Possession of copies of the Protected Material is limited to the attorneys of
2 record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of
3 record (hereinafter collectively referred to as Amembers of the defense team@):

4 The attorneys of record and members of the defense team may share and review
5 the Protected Material with the Defendant. The attorneys of record and members of the
6 defense team acknowledge that providing copies (in any form) of the Protected Material
7 to the Defendant and other persons is prohibited, and agree not to duplicate or provide
8 copies of the Protected Material to the Defendant and other persons. The exception to
9 this prohibition is the dissemination of electronic copies to officials of the Federal
10 Detention Center at SeaTac, Washington, for use in a controlled environment by
11 Defendant, who is currently in custody there. Any violation of these prohibitions
12 constitutes a violation of the Protective Order. Further, the attorneys of record are
13 required, prior to disseminating any copies of the Protected Materials to members of the
14 defense team, to provide a copy of this Protective Order to members of the defense team
15 Nothing in this order should be construed as imposing any discovery obligations on the
16 government that are different from those imposed by case law and Rule 16 of the Federal
17 Rules of Criminal Procedure.

22 2. Filing

23 Any Protected Material that is filed with the Court in connection with pre-trial
24 motions, trial, or other matter before this Court, shall be filed under seal and shall remain
25 sealed until otherwise ordered by this Court. This does not entitle either party to seal

1 their filings as a matter of course. The parties are required to comply in all respects to the
2 relevant local and federal rules of criminal procedure pertaining to the sealing of court
3 documents.

4 3. Nontermination

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6 The provisions of this Order shall not terminate at the conclusion of this
7 prosecution.

8 4. Violation of Any Terms of this Order

9 Any violation of any term or condition of this Order by the Defendant, his
10 attorneys of record, any member of the defense teams, or any attorney for the United
11 States Attorney=s Office for the Western District of Washington, may be held in
12 contempt of court, and/or may be subject to monetary or other sanctions as deemed
13 appropriate by this Court.
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16 If the Defendant violates any term or condition of this Order, the United States
17 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
18 any criminal charges relating to the defendant=s violation.
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20 5. Right to Review

21 The parties agree that in the event that compliance with this Order makes it
22 difficult for defense counsel to adhere to their Sixth Amendment obligations, or
23 otherwise imposes an unworkable burden on counsel, defense counsel shall bring any
24 concerns about the terms of the Order to the attention of the government. The parties
25 shall then meet and confer with the intention of finding a mutually acceptable solution.
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1 In the event that the parties cannot reach such a solution, defense counsel shall have the
2 right to bring any concerns about the scope or terms of the Order to the attention of the
3 Court.

4 The terms of this Order apply to current defense counsel, as well as to any
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6 successor defense counsel and team members.

7 DATED this 5th day of December, 2022.

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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE
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13 Presented by:

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15 s/ Michael Dion
16 MICHAEL DION
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